

LEWIS C. SACTORI.

[To accompany bill H. R. No. 827.]

FEBRUARY 28, 1843.

Mr. BURNELL, from the Committee on Naval Affairs, submitted the following

REPORT :

The Committee on Naval Affairs, to whom was referred the petition of Lewis C. Sactori, report :

That a short time previous to the sailing of the Constitution frigate on her cruise in 1839, in consequence of the resignation of the professor of mathematics who had been ordered to join her, it became necessary to select another person to discharge the duties of that office. Proper efforts were made to effect this object, but no one was found competent to discharge the duties of the office, and willing to accept it. The ship went to sea, therefore, without such professor. The petitioner was "passed midshipman," and at the solicitation of his commanding officer accepted, but reluctantly, the office of professor of mathematics. In this capacity he was employed for about twenty-one months, discharging the duties of his situation with the greatest fidelity. For these services he was allowed by the purser the pay applicable to the functions he was discharging, viz : the pay of "professor of mathematics." The difference between this pay and that of "passed midshipman" has amounted in this case to \$806 30; and this sum, which had been allowed by the purser of the Constitution, has been disallowed by the Fourth Auditor. The ground taken by this latter officer is, that the grade of "professor of mathematics" is not "higher" than that of passed midshipman, and therefore this case cannot be brought within the act of March 3, 1835, which provides that "officers temporarily performing the duties belonging to those of a higher grade shall receive the compensation allowed to that higher grade while actually so employed." While acquiescing in the opinion of the Fourth Auditor as to the construction of the law, your committee are decidedly of opinion that the equity of the case requires the interposition of Congress for the relief of the petitioner, and therefore report a bill for that purpose.

LEWIS C. SACKETT

To accompany bill H. R. No. 474

FEBRUARY 25, 1872

Mr. Burwell, from the Committee on Naval Affairs, submitted the following

REPORT

The Committee on Naval Affairs, to whom was referred the petition of Lewis C. Sackett, report:

That a short time previous to the sailing of the Constitution frigate on a cruise in 1858, in consequence of the resignation of the professor of mathematics who had been ordered to join her, it became necessary to select another person to discharge the duties of that office. Proper efforts were made to effect this object, but no one was found competent to discharge the duties of the office, and willing to accept it. The ship went to sea, and at the solicitation of his commanding officer, accepted but not qualified for about twenty-one months discharging the duties of his situation, the officer of mathematics. In this capacity he was allowed by the board of mathematics, "the difference between his pay and that of a professor of mathematics." The difference between his pay and that of a professor of mathematics, has amounted in this case to \$800.30; and this sum had been allowed by the board of the Constitution, has been dual-ly by the Fourth Auditor. The ground taken by this latter officer is, that the grade of "professor of mathematics" is not "higher" than that of midshipman, and therefore this case cannot be brought within the act of March 3, 1855, which provides that "officers temporarily performing duties belonging to those of a higher grade while actually so employed." While your committee are decidedly of opinion that the equity of the bill for that purpose, and the propriety of Congress for the relief of the petitioner, report a bill for that purpose.